



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Latvia



Latvia Country Report

Overview

Name of NHRI and mandate:

- Ombudsman's Office of the Republic of Latvia
- NHRI, also: Ombudsman (including Ombuds for children), Equality Body, NMM, NPM and monitoring of forced return

Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Latvia Country Report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report December 2020](#)
- CoE Independent Bodies: [ECRI Country Report on Latvia \(2019\)](#)

Good practices and improvements:

- **CM Recommendation 1:** the Ombudsman's Office of the Republic of Latvia is an A-Status institution.
- **CM Recommendation 3&5: contribute to an effective justice system:** the Ombudsman has a strong mandate to contribute to effective access to justice, including through complaints handling, strategic litigation before courts and awareness-raising. Furthermore, ECRI(2019) reports that the Ombudsman can file complaints in the administrative courts or civil courts, while noting that the mandate does not include the provision of independent assistance to victims of racism.
- **CM Recommendation 4: broader selection and appointment:** an amendment to the law since 2022 requires a wider parliamentary majority to nominate candidates for the ombudsman, and also includes a maximum of two consecutive terms. Still, in line with the 2020

recommendations of the SCA, further improvements could be made to make the selection and appointment more participatory and transparent.

- **CM Recommendation 6: ensuring adequate resources** : ECRI (2019) reported the endowment of the ombudsman with sufficient funds and human resources and praised the reversal of the previous negative trend.

Key areas where improvement is needed:

- **CM Recommendation 2: NHRI constitutional basis**: the NHRI's legal basis is not enshrined in the constitution. Despite an ombudsman's proposal since 2015 to strengthen the NHRI's guarantees as a constitutional entity, the legal basis has not been strengthened yet.
- **CM Recommendation 5: dismissal of leadership**: In line with the findings of the SCA (2020), the dismissal process of the ombudsman does not provide sufficient procedural safeguards to ensure that it could not be undertaken for political reasons and the law should be amended to ensure an independent and objective dismissal process.
- **CM Recommendation 13: functional immunity**: In line with the findings of the SCA (2020), the NHRI legislation should include provisions to protect members from legal liability for acts undertaken in good faith in their official capacity. Currently, a decision to administratively sanction the Ombudsman could be undertaken with the support of 26 members of the Saeima.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
Assessment of implementation by the NHRI	<i>Information provided by the NHRI in 2023</i> Latvia's NHRI is established, accredited and function in full compliance with the Paris principles, it is confirmed by the A status of NHRI.
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<i>SCA report December 2020, p. 17</i> 'The SCA recommends that the Ombudsman be re-accredited with A status.'

<p>Principle 2</p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'In order to strengthen the guarantee of the Ombudsman as an autonomous constitutional entity, in May 2015 the Ombudsman urged the Parliament to consider a proposal to supplement the Constitution of the Republic of Latvia with a new chapter named "Ombudsman". Strengthening the Ombudsman's entity in the Constitution of the Republic of Latvia would protect against undesirable political manipulation; promote the compliance of the national human rights authority with the so-called Paris Principles; strengthen the principle of power-sharing enshrined in the Constitution of the Republic of Latvia; exclude any doubts that the Ombudsman belongs to any state powers. The proposal has not progressed any further yet.'</p> <p>The Ombudsman's independence, functions and tasks, as well as other aspects related to this mandate, are established in the <u>Ombudsman's Law</u>.</p>

II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>‘The Ombudsman can also conduct research and analyse the situation in the field of human rights, as well as provide opinions regarding the topical human rights issues.’</p> <p>Opinions, monitoring results, reports etc are available in <u>database</u> on Ombudsman Office homepage (in Latvian).</p> <p><u>Annual reports</u> are available also in English.</p>

<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Section 11 of the Ombudsman Law, one of the Ombudsman’s functions is to promote the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman.</p> <p>The ombudsman widely uses the right to address the public both with the help of the media and by addressing the public directly, for example, with an invitation to inform about violations on a specific topic. One of the most recent such cases involved research into the quality of care in <u>senior homes (in Latvian)</u>. This was carried out as part of the NPM feasibility study.</p> <p>Experts from the Ombudsman’s Office regularly conduct lectures and workshops, for example, for young people in <u>the school program “Ready for life” on freedom of speech and hate speech, electoral literacy and data protection (in Latvian)</u>, boarding school youth on the risks of human trafficking, as well as training for public institutions and civil servants on mobbing/bossing, etc.</p>

<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Section 11 of the Ombudsman Law, functions of the Ombudsman are to promote the protection of the human rights of a private individual; to promote the compliance with the principles of equal treatment and prevention of any kind of discrimination; to evaluate and promote the compliance with the principles of good administration in the State administration; to discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, and also to promote the rectification of such deficiencies; and other functions.</p> <p>The NHRI has multiple mandates, including: Equality body, Ombuds institution, Children’s rights Ombud, CRPD National Monitoring Mechanism, National Preventive mechanism (OPCAT), monitoring of forced-return.</p>

<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Section 13 Ombudsman Law, the ombudsman has the right at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions; to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions, if the child so wishes; to request and receive from an institution and private individuals documents, explanations and other information.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI report on Latvia 2019, p. 14 (Para.17)</i></p> <p>'Article 13 of the Ombudsman Law sets down the Ombudsman's investigation powers, as recommended in ECRI's GPR 7, § 24.'</p>

<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to Section 11 of the Ombudsman Law, the ombudsman’s task is to discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, and also to promote the rectification of such deficiencies; (Section 12) provide the Parliament (Saeima), the Cabinet, local governments or other institutions with recommendations in respect of the issuance of or amendments to the legislation.</p>
<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>‘The NHRI continues to contribute to access to justice for individuals, including by handling complaints and providing legal assistance to individuals, engaging in strategic litigation before courts as well as awareness-raising initiatives.’</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>‘During the last 3 years, the Ombudsman has filed 8 cases in the Constitutional Court.’</p> <p>[...], p. 8</p> <p>‘The Ombudsman regularly provided his assessment on the admissibility of restrictions, and informed about the legal remedies available to rights holders.’</p> <p>Section 13 of the Ombudsman Law provides the ombudsman with the right to submit an application in the Constitutional Court (norms), General Court (discrimination) and Administrative Court (public interest).</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI report on Latvia 2019, p. 14 (Para.17)</i></p> <p>‘is entitled to submit an application to the Constitutional Court requesting the initiation of proceedings against a public institution that has not rectified discriminatory actions. The Ombudsman can also file a complaint in an administrative court if it is in the public interest or bring a case to the civil courts if the issue concerns a violation of equal treatment.’</p> <p><i>ECRI report on Latvia 2019, p.14 (Para.17)</i></p> <p>‘The Ombudsman has most of the powers and competencies listed in ECRI’s GPR No. 7, but its mandate still does not include the provision of independent assistance to victims of racism and racial discrimination. This was already recommended by ECRI in its last report on Latvia.’</p>

<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Ombudsman has previously called on the legislature to ratify international acts. On the initiative of the ombudsman, Latvia ratified the OPCAT. In January 2023, the Ombudsman sent a letter to the Parliament (Saeima) to draw attention to <u>11 urgent issues in the field of human rights and good governance, including the need to ratify the Istanbul Convention (in Latvian)</u>.</p> <p>The ombudsman regularly submits reports on States' compliance with various international treaties in the field of human rights (e.g., see UN Treaty Body Database <u>Reporting status for Latvia</u>).</p>
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, pp. 1-2</i></p> <p>‘The Ombudsman Law was amended on 7 January 2021, and the amendments entered into force on 1 January 2022. According to the changes made, a candidate for the position of Ombudsman may be nominated by no less than 10 members of the Parliament (MPs), the Saeima (previously, no less than 5 MPs were required); the same person may serve as an Ombudsman for a maximum of two consecutive terms (previously, the number of terms was not limited).’</p> <p>According to Section 5 of the Ombudsman Law, the following documents signed by the candidate nominated for the office of the Ombudsman shall be appended to the submission regarding a candidate for the office of the Ombudsman: consent to apply for the office of the Ombudsman and proposals regarding the solution necessary in the field of human rights and good administration. Prior to the sitting of the Parliament (Saeima) during which the Ombudsman will be approved in office, the candidates nominated for the office of the Ombudsman shall be heard at the Human Rights and Public Affairs Committee of the Parliament.</p> <p>The law also very clearly defines the terms in which candidates for the position of ombudsman can be nominated and evaluated - The Presidium of the Parliament shall convene a sitting of the Parliament for the current approval of the Ombudsman in the office not earlier than 20 days and not later than 10 days prior to expiry of the term of office of the current Ombudsman.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report December 2020, p. 18</i></p> <p>‘Section 5 (1) of the Law states that the Ombudsman shall be approved by the Parliament on the proposal of not less than five members of Parliament. The SCA is of the view that the process currently enshrined in the Law is not sufficiently broad and transparent. In particular, it does not: - require the advertisement of vacancies for members; and - promote broad consultation and/or participation in the application, screening, selection, and appointment process for all members. [...] The SCA notes that the Ombudsman has proposed amendments to its enabling law to provide for</p>

	<p>the advertisement of vacancies and the ability for all interested candidates to submit their application prior to proposals being made by the members of Parliament.</p> <p><i>SCA report December 2020, p. 19</i></p> <p>'According to Section 7 of the Ombudsman Law, the Ombudsman serves a five-year term. The Law is silent on the number of times the Ombudsman can be re-appointed, which leaves open the possibility of unlimited tenure. In order to promote institutional independence, the SCA is of the view that it would be preferable for the term of office to be limited to one (1) re-appointment. The SCA encourages the Ombudsman to advocate for amendments to its enabling law to provide for such limits on the term of office.'</p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p>Section 10 of the Ombudsman Law clearly states that the Parliament dismisses the ombudsman from office if he or she:</p> <ol style="list-style-type: none"> 1) resigns of his or her own free will, notifying the Parliament in writing thereof; 2) is unable to perform the duties of the office due to his or her state of health; 3) has allowed a shameful act that is incompatible with the status of the Ombudsman; 4) without a justified reason does not perform his or her duties; 5) has been elected or appointed to another office.

	<p>In the case referred Clause 2, 3, or 4, the matter regarding the release of the Ombudsman from the office may be proposed by not less than one third (id est 34 persons) of the members of the Parliament (The Parliament of the Republic of Latvia has 100 members).</p> <p>In addition, the legislator (Parliament) has already recognized the need to establish a parliamentary commission of inquiry in these cases. <u>These amendments</u> (available in Latvian) will enter into force together with the amendments to the Law on Parliamentary Commissions of Inquiry.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report December 2020, pp. 18-19.</i></p> <p>'In accordance with section 10(1) of the Law, the Ombudsman may be dismissed if he or she has allowed a shameful act that is incompatible with his or her status. The SCA continues to be of the view that this ground for dismissal is insufficiently defined and may be open to misuse. Further, in accordance with section 10(2), such a dismissal may be proposed by not less than one third of the Saeima and approved by an absolute majority vote of the Saeima. The SCA understands that a decision to dismiss the Ombudsman could be undertaken with the support of only 26 members of the Saeima. The SCA welcomes the introduction of a requirement that an investigation be undertaken by the Parliamentary Investigation Commission, and be submitted to the Parliament, in advance of a decision being taken. However, the SCA continues to be of the view that the process, even as amended, does not provide sufficient procedural safeguards to ensure that dismissal of the Ombudsman will not be undertaken for political reasons. [...]The SCA encourages the Ombudsman to advocate for appropriate amendments to its Law to ensure an independent and objective dismissal process.'</p>

<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Constitutional Court stated in its judgment from 2010 (available in Latvian) stated that the principle of separation of powers provide that the budget requests of the constitutional institutions (the Office of the President, the Supreme Court, the Constitutional Court, the State Audit Office and the Office of the Ombudsman) could be evaluated and amended only by the legislator, not the government.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI report on Latvia 2019, p. 28 (para 81)</i></p> <p>‘In its fourth report, ECRI recommended as a priority recommendation that the authorities endow the Ombudsman’s Office with sufficient funds and human resources. In its 2015 interim follow-up conclusions, ECRI considered that this recommendation had been implemented. It had received information from the Ombudsman’s office that the trend of cutting its budget had been stopped and reversed.’</p> <p>[...]’ During its 2017 visit to Latvia, ECRI received confirmation that the positive trend regarding the institution’s budget has continued and ECRI trusts that the authorities will also ensure that this will be the case in the future.’</p>

<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Ombudsman Law (Chapter III Ombudsman's Office) clearly states that to ensure the activities of the Ombudsman, the Ombudsman's Office shall be established. Its structure and internal working regulations shall be regulated by the by-law of the Office approved by the Ombudsman. While employment relationship of the employees of the Ombudsman's Office shall be governed by the Labour Law.</p>
<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'the NHRI has adequate access to information and to policy makers and is involved in all stages of legislation and policy making with human rights implications.'</p>

<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'Recommendations of the Ombudsman are not legally binding. Yet, the average implementation of Ombudsman's recommendations exceeds 70%.'</p> <p>According to the <u>Ombudsman Law</u> (Section 27. Procedures for Requesting the Information and Liability for the Failure to Provide the Information and Provision of False Information) it is established that in performing the functions and tasks stipulated by the law, the Ombudsman has the right to request and receive free of charge from an institution the documents regarding a verification case, explanations and other information which, accordingly, also applies to the execution of the recommendations made by the ombudsman. On the other hand, if the institutions do not provide the relevant information in the specified amount or within a time period determined, the issue regarding imposition of administrative penalty is considered.</p>

	<p>In practice, this means that the Ombudsman turns to the State Police, which prepares the case for the court to make a decision on applying an administrative penalty to the institution that has not provided the relevant information. And then the court decides on the punishment.</p> <p>The Ombudsman strongly advocates that institutions should provide information on the implementation of recommendations, and the ombudsman already has a tool at his disposal to ensure this.</p> <p><u>The Ombudsman's report for 2022</u> (available in Latvian, see pages 133-167) summarizes the most important recommendations, clearly indicating the addressee, the specific recommendation and the progress of its implementation. Thus, it is much easier for the Members of Parliament to carry out parliamentary oversight.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Country report on Latvia 2019, p. 14 (Para.17)</i></p> <p>'The Ombudsman cannot enforce its recommendations or levy any fines'</p>
<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>

Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>When the Ombudsman's Office was entrusted with the NPM function, the legislator allocated additional financial and human resources to ensure this function.</p> <p>On the other hand, with regard to the new equality directives, the office has already asked the legislator to allocate additional financial and human resources in order to meet all the criteria requirements of the equality bodies.</p>
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III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the Section 4 of the Ombudsman Law the Ombudsman shall be independent in his or her activities and shall be governed exclusively by the law. No one has the right to influence the Ombudsman in the performance of his or her functions and tasks</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Country report on Latvia 2019, p. 9 (Summary Section)</i></p> <p>The financial situation, visibility and accessibility of the Ombudsman’s office have improved.</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>‘Relevant state authorities have good awareness of the NHRIs’ mandate, independence and role of the NHRI’</p>

<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>'As regards measures to protect and support the NHRI, heads of institution and staff against threats and harassment, Criminal Procedure Law states that only the Prosecutor General shall initiate criminal proceedings against the Ombudsman. The ombudsman may be held criminally liable or arrested only with the consent of the Parliament. A decision on placing the Ombudsman under arrest, conveyance by force, detention, or subjection to a search shall be taken by a specially authorised Supreme Court judge. If the ombudsman has been apprehended in the committing of a serious or especially serious crime, a decision on conveyance by force, detention, or subjection to a search shall not be necessary, but the specially authorised Supreme Court judge and the Prosecutor General shall be informed within 24 hours.'</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report, 2020, p. 19</i></p> <p>'In accordance with section 4 of the Law, an administrative sanction of the Ombudsman is permitted in relation to breaches of the Administrative Code when sanctioned by the Saeima. The Ombudsman advises that the Constitution provides that the Saeima may sit if at least half (50) of the members participate therein and that a decision may be taken by an absolute majority vote of the members present at the sitting. As a result, the SCA understands that a decision to administratively sanction the Ombudsman could be undertaken with the support of only 26 members of the Saeima. External parties may seek to influence the independent operation of a NHRI by initiating, or by threatening to initiate, legal proceedings against a member. For this reason, NHRI legislation should include</p>

	<p>provisions to protect members from legal liability for acts undertaken in good faith in their official capacity. Such a provision promotes: - security of tenure; - the NHRI's ability to engage in critical analysis and commentary on human rights issues free from interference; - the independence of the senior leadership; and - public confidence in the NHRI. The SCA recognizes that no office holder should be beyond the reach of the law and thus, in certain circumstances, such as corruption, it may be necessary to lift immunity. However, the authority to do so should not be exercised by an individual, but rather by an appropriately constituted body such as the superior court or by a special majority of parliament. It is recommended that the law clearly establishes the grounds, and a clear and transparent process, by which the functional immunity of the decision-making body may be lifted. The SCA continues to encourage the Ombudsman to advocate for the inclusion in its founding legislation of express provisions that clearly establish the functional immunity of the Ombudsman for actions taken in his or her official capacity in good faith.'</p>
<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Section 25 of the Ombudsman Law states that materials of a verification procedure shall be restricted access information and shall be available in accordance with the <u>Freedom of Information Law</u>.</p>

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Experts of the Ombudsman’s Office actively participate in several working groups of ENNHRI and EQUINET, as well as GANHRI Working Group on the Rights of Persons with Disabilities. Experts are active members of national level working groups, for example, Committee on Gender Equality. The Ombudsman is also an active member of the National Council for Disability Affairs (Latvia).</p>

	<p>Information about cooperation partners from the NGO and CSO sector is <u>publicly available on the website of the Ombudsman's Office (in Latvian)</u>.</p> <p>Four advisory councils have been established (In the field of health care, On access to education, On Roma issues, On the legal regulation of partnership relations), which meet when needed.</p>
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